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Viewing cable 09BEIRUT463, LEBANON: JUSTICE MINISTER WILL TAKE STL'S CUE ON FOUR GENERALS' DETENTION

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Understanding cables

Every cable message consists of three parts:

- The top box shows each cables unique reference number, when and by whom it originally was sent, and what its initial classification was.
- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

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| Reference ID | Created | Released | Classification | Origin |
|-----------------------------|----------------------------------|----------------------------------|------------------------------|--------------------------------|
| 09BEIRUT463 | 2009-04-23 13:16 | 2011-08-30 01:44 | CONFIDENTIAL | Embassy Beirut |

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E.O. 12958: DECL: 04/21/2019

TAGS: PREL PGOV PTER PINR KJUS UNSC AE SY LE

SUBJECT: LEBANON: JUSTICE MINISTER WILL TAKE STL'S CUE ON FOUR GENERALS' DETENTION

REF: BEIRUT 263

Classified By: Ambassador Michele J. Sison for reasons 1.4
(b) and (d).

SUMMARY

1. (C) In an April 22 meeting, Justice Minister Ibrahim Najjar confirmed that the GOL had transferred all of its files related to former PM Rafiq Hariri's assassination and the ensuing political assassinations to the Special Tribunal for Lebanon (STL). He expects to learn by April 27 whether STL Prosecutor Daniel Bellemare will choose to request continued detention of any of the four generals held in Lebanon in connection with Hariri's assassination. Najjar said he would comply fully with STL Pre-Trial Judge Daniel Fransen's determination, and was prepared to release the

generals upon instructions from the STL.

¶2. (C) Similarly, Najjar said he would take his cue from the STL on whether to seek former Syrian intelligence officer Mohammed Zohair al-Siddiq's extradition from the UAE. He deferred to Emirati law, saying he did not know whether the Lebanese or Syrian extradition requests would take precedence. Najjar reported that the cabinet has stopped discussion of signing an MOU with the STL, though Bellemare was still asking for it in order to continue his investigation in Lebanon. Najjar reported that the cabinet has not made progress on appointing five judges to the ten-member Constitutional Court, the body that decides electoral disputes, but that he did not see it as a major obstacle to the June 7 parliamentary elections. End summary.

GOL TRANSFERRED ALL FILES;
AWAITING DECISION ON FOUR GENERALS

¶3. (C) In an April 22 meeting at the Justice Ministry, Justice Minister Ibrahim Najjar confirmed to DCM and PolOff that the GOL had transferred to the Special Tribunal for Lebanon (STL) all of its records, totaling ten packages and four envelopes, pertaining to former PM Rafiq Hariri's assassination and the ensuing political assassinations. He remarked that he did not expect any of the information would be new to the STL since the GOL had shared its records with UNIIIC, the Tribunal's investigative body.

¶4. (C) He clarified that Pre-Trial Judge Daniel Fransen had given STL Prosecutor Daniel Bellemare until April 27 to request the continued detention of the four generals detained in connection with Hariri's assassination. If Bellemare does not request to continue their detention, then Fransen would make a decree to release them, which could be conditioned, Najjar added. He explained that he awaited Fransen's instructions, and would carry them out completely, including any or all reservations, such as requiring weekly report-ins or providing protection. According to Najjar, it is unlikely the GOL will raise its own charges against the generals if they are recommended to be released.

¶5. (C) If Bellemare requested continued detention, Najjar speculated, Fransen would consider a video conference with the generals and their lawyers in order to question them and decide whether to permit further detention.

¶6. (C) Najjar disclosed that STL President Antonio Cassese was planning a trip to Lebanon and Syria in mid-May. He speculated that the STL would ensure that the issue of the generals would be decided well before that trip.

GOL TO TAKE STL CUE
ON AL-SIDDIQ

¶7. (C) Careful to point out that the UAE has not officially confirmed the alleged April 18 arrest of former Syrian intelligence officer Mohammed Zohair al-Siddiq, wanted by Lebanon in connection with Hariri's assassination, Najjar deduced that the UAE has not formally opened a case and therefore is not yet prepared to deal with Lebanon's and Syria's extradition requests.

¶8. (C) Najjar said he would defer to the STL for all decisions on al-Siddiq. He said Lebanon would not press for al-Siddiq's extradition until instructed by the STL. If the STL wanted al-Siddiq, Najjar surmised that the STL would request that Lebanon seek extradition since the STL could not ask for extradition itself. Najjar deferred to UAE law to determine whether the Lebanese or Syrian request would take precedence. He said that Syria is charging al-Siddiq with giving false testimony pertaining to the trial.

NO PROGRESS ON MOU...

¶9. (C) Najjar reported that no progress has been made on signing an MOU with the STL, requested by Bellemare to allow him to continue his investigation in Lebanon (reftel). Noting that Bellemare's aide had telephoned him the previous day inquiring about its status, Najjar said that both President Sleiman and PM Siniora wanted to avoid discussion of the issue because it was raising objections from Hizballah's single cabinet minister Mohammed Fneish. Fneish reportedly dismissed the necessity of an MOU and requested that Najjar stop raising the issue in the media.

...OR THE CONSTITUTIONAL COURT

¶10. (C) Najjar repeated his belief that choosing the president of the Constitutional Court, the body that decides electoral disputes, posed the greatest challenge to resolving the current impasse over the Court (reftel). Given that the president must be Maronite, Najjar said he hoped Sleiman would appoint the presiding judge. Najjar recommended Raymond Eid, the former president of the Beirut Bar Association, to fill the position, noting that Speaker Nabih Berri, who opposed a member already appointed by parliament, would support this candidate. However, Sleiman reportedly has been refusing to meet with Eid, Najjar said.

¶11. (C) If an agreement is reached on the president, Najjar predicted, it would facilitate the remaining four appointments, chosen by the cabinet, to complete the ten-member Court. (Note: Parliament named the first five judges. End note.) Najjar concluded that it is not a major obstacle if the Court is not formed before the June 7 parliamentary elections, but a failure would be "a real shame for democracy." Nonetheless, it could still be formed after the elections, he submitted.

SISON